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20 et al. on Following Page*

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 DORA BAires, et al.,

No.: C 09-05171 CRB

24 Plaintiffs,

STIPULATION AND ORDER

25 vs.

26 THE UNITED STATES OF AMERICA; et al.,

Honorable Charles R. Breyer

27 Defendants.

ADDITIONAL COUNSEL FOR PLAINTIFFS

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Counsel for Plaintiffs, Defendant United States and defendant Brian Myrick have met and conferred regarding the need for a briefing schedule for a motion for summary judgment that will be filed by the Federal defendants seeking dismissal of Plaintiffs' claims under the FTCA. Because witnesses whose declarations will be submitted in support of the motion could not be made available before the closure of fact discovery, the parties have stipulated as follows:

1. The United States will file its motion for summary judgment on or before April 26, 2013. The parties stipulate and respectfully request that court permit the page limitations in the local rules to be adjusted such that United States shall have up to 40 pages for its opening brief and plaintiffs shall have up to 40 pages for their opposition. The United States will have up to 20 pages for its reply.

2. With the exception of Brian Myrick (if he submits a declaration in connection with the motion filed by the United States), the United States will produce for depositions during the week of May 20, 2012, the witnesses whose declarations or affidavits support its motion for summary judgment.

3. Plaintiffs will file their opposition to the motion for summary judgment no later than June 3, 2013.

4. The settlement conference scheduled for June 5, 2013 with Magistrate Judge La Porte will be continued to a date convenient for all counsel and to the Court. The parties request that the conference take place during the week of June 17, 2013 or as soon thereafter as is practicable for Magistrate Judge Laporte.

5. The due date for the reply brief of the United States will be after the settlement conference.

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1 6. Defendant Myrick may file his motion for summary judgment, if any, in accordance
2 with the previously-established deadlines set by the court or earlier, if he chooses to do so.

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4 **IT IS SO STIPULATED.**

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6 DATED: April 12, 2013.

7 REED SMITH LLP

8
9 By */s/ Steven M. Kohn*
10 Steven M. Kohn
11 Attorneys for Dora Baires, individually, and on
12 behalf of the estate of Juan Carlos Baires; and
13 Teofilo Miranda

14 DATED: April 12, 2013.

15 MELINDA HAAG, United States Attorney

16
17 By */s/ Abraham A. Simmons*
18 Abraham A. Simmons, Assistant U.S. Attorney
19 Attorneys for Federal Defendants

20 DATED: April 12, 2013.

21 THERESA A. GOLDNER, County Counsel

22
23 By */s/ Marshall Scott Fontes*
24 Marshall Scott Fontes, Deputy
25 (as authorized on February 21, 2013)
26 Attorneys for Defendant County of Kern, et al.

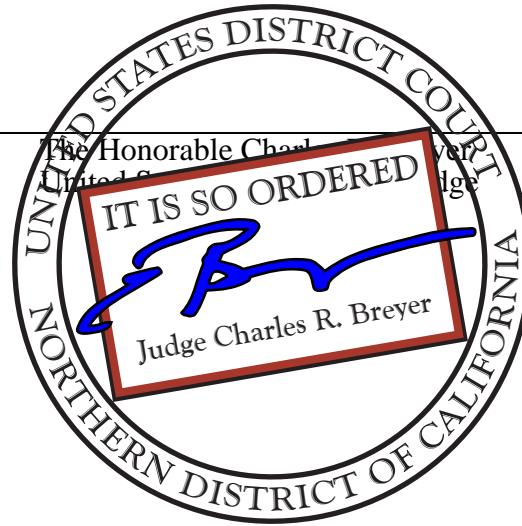
27 DATED: April 12, 2013.

28 BJORK LAWRENCE

29
30 By */s/ Robert Lawrence*
31 Robert Lawrence
32 Attorneys for Defendant County of Kern, et al.

1 IT IS SO ORDERED.
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DATED: April 17, 2013.



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